



California Fair Political Practices Commission

October 17, 1986

Pedro I. Nava
Deputy District Attorney
Consumer Business Law Section
118 East Figueroa Street
Santa Barbara, CA 93101

Re: Your Request for Informal Assistance
Our File No. I-86-287

Dear Mr. Nava:

You have asked for our assistance in interpreting Government Code Section 84308. This letter confirms the telephone advice I provided to you on September 30, 1986.

QUESTION

Does Section 84308 apply to the directors of a water district who are elected by the voters of the district at large?

CONCLUSION

The directors of a water district who are elected by the voters of the district at large are exempt from Section 84308 when they are acting as the directors of the water district.

ANALYSIS

Section 84308 generally prohibits any officer of a state or local government agency from accepting, soliciting or directing contributions of \$250 or more from any person who is a party or participant in a proceeding involving a license, permit or other entitlement for use pending before the agency. Paragraph (3) of subdivision (a) of Section 84308 expressly excludes from the definition of "agency" any local government agencies whose members are directly elected by the voters. Therefore, Section 84308 does not apply to the members of the board of directors of a water district if the board is elected by the voters of the district at large.

However, an elected director of a water district who is appointed as a voting member of another board or commission is subject to Section 84308 while serving as a member of that other board or commission. Section 84308(a)(3). For example,

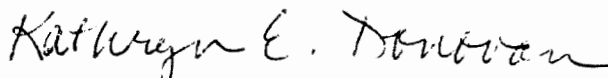
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if a water district director is appointed to a local agency formation commission or to the board of a regional water quality management district, the director would be subject to Section 84308 while serving as a member of the agency to which he or she is appointed.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script, reading "Kathryn E. Donovan".

By: Kathryn E. Donovan
Counsel, Legal Division

KED:km



THOMAS W. SNEDDON, JR.
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PATRICK J. McKINLEY
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COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

October 1, 1986

Ms. Cathy Donovan
c/o Fair Political Practices Commission
428 J Street, Suite 800
P. O. Box 807
Sacramento, California 95814

Re: Government Code §84308 as it applies to water board members
elected by the public at large

Dear Ms. Donovan:


This is to memorialize our telephone conversation of September 30,
1986 and to request written confirmation of your expressed opinions
regarding the above stated matter.

When we talked, I asked you if Government Code §84308 applied to
water board members elected by the public at large. You informed me
that the section did not apply in such a situation.

Please provide me with written confirmation of your opinion.

Thank you for your attention.

Sincerely,


PEDRO I. NAVA
Deputy District Attorney
Consumer Business Law Section

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